

In the Office Action, dated November 13, 2002, the Examiner objected to claim 1 for improperly reciting a Markush group. Applicants believe that claim 1, as amended, addresses the Examiner's objection, and Applicants respectfully request reconsideration of the objection.

In the Office Action, the Examiner rejected claims 8-11 and 13 under 35 U.S.C. § 112, second paragraph, "as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention." In particular, the Examiner contended that the term "the level of composition" renders the claim indefinite, and suggested using the term "the antioxidation composition." As amended, claims 9-11 and 13 incorporate the Examiner's suggested amendment. In the same regard, the Examiner also suggested an amendment in regard to claim 8. As amended, claim 8 incorporates the Examiner's suggested amendment as well. Applicants believe that claims 8-11 and 13, as amended, address the Examiner's rejection.

In the Office Action, the Examiner rejected claims 9 and 11 as being "indefinite" for using the term "65% solid solution of..." without specifying weight/weight or weight/volume. Applicants believe that claim 9, as amended, and new claim 14 address the Examiner's rejection.

Applicants are unaware of a missing period "." in claims 9 or 11, as amended, or new claims 14 or 15.

Applicants have amended claim 1 to address the rejection of claims 9 and 11 for lack of antecedent basis. As such, Applicants believe that claims 1, 9, and 11, as amended, and new claims 14 and 15 address all of the Examiner's rejections.

Objected to claims 2-5 depend from claim 1, and Applicants believe that claim 1, as amended, addresses the Examiner's objection.

As such, Applicants believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Respectfully submitted,

Date

04/11/03

By

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MARKED UP VERSION SHOWING CHANGES MADE

Below are the marked up amended claim(s):

1. (Thrice Amended) A method of reducing photooxidation or air oxidation in a food product comprising the step of dispersing within the food product an antioxidation composition comprising an amino acid selected from the group consisting of lysine₂ ~~and~~ aspartic acid, and mixtures thereof; a metal ~~ion~~ oxide selected from the group consisting of CaO, MgO₂ ~~and~~ ZnO₂ and mixtures thereof; and an organic acid selected from the group consisting of malic acid, citric acid, ~~or~~ succinic acid, and mixtures thereof; the composition added in an amount between 0.001% and 2% (w/w) of the food product, wherein photooxidation or air oxidation is reduced.

8. (Twice Amended) The method of claim 1, wherein the food product is milk ~~and wherein the level of the composition is between 0.001% and 2% (w/w).~~

9. (Thrice Amended) The method of claim 8, wherein the food product includes the level of the composition is 0.01% to 1.0% (w/w) of the antioxidation composition ~~and wherein the composition is a 65% solution of lysine:magnesium ion:malic acid: citric acid with a molar ratio of 1.49:1:2.16:0.72.~~

10. (Twice Amended) The method of claim 1, wherein the food product is white chocolate ~~and the level of the composition is 0.001% to 2% (w/w).~~

11. (Thrice Amended) The method of claim 10, wherein the food product includes the level of the composition is from 0.1% and 0.5% (w/w) of the antioxidation composition ~~and wherein the composition is cream of lysine:calcium ion:malic acid: citric acid with a molar ratio of 1.49:1:2.16:0.72.~~

13. (Twice Amended) The method of claim 8, wherein the food product includes the level of the composition is 0.01% to and 2.0% (w/w) of the antioxidation composition.